

The Idaho Industrial Commission has been asked to clarify requirements regarding when a medical provider may charge for copies of medical records, and when a party is entitled to a copy without charge.

Idaho Code Sec 72-432(10) provides that medical information shall be provided to a Claimant, a surety, an employer, the industrial special indemnity fund, or the attorney for any of them, without liability on the part of the Provider. It also provides that such medical information is not privileged communication.

IDAPA 17.02.04.322.02 provides

“The first copy of any such reports shall be provided to the Payor and the Claimant at no charge. If duplicate copies of reports already provided are requested by either the Payor or the Claimant, the Provider may charge the requesting party a reasonable charge to provide the additional reports.”

This means the medical provider must give one free copy to one of each of the following:

- Employer or insurance company
- Claimant (patient) or claimant’s attorney
- The Idaho Industrial Commission

Example: Provider gives a free copy to the insurance company. Employer also asks provider for a free copy. Employer must pay for the additional copy because the insurance company already received the free copy. Later, Claimant’s attorney asks for a free copy. Provider must supply that copy at no charge. The Commission would also receive a copy from the Provider at no charge.

Failure to provide the records may result in Provider forfeiting right to payment until the records are received. Idaho Code Sec. 72-432(10). Any questions can be directed to the Idaho Industrial Commission at (208) 334-6000.

Yours truly,

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